

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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Richard Walden PRO SE

U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION

V.

The District Attorney's Office

NO. _____

COMPLAINT

1. The plaintiff is a resident of Berkshire Co., in Pittsfield, Massachusetts, and a citizen of the United States.
2. The defendant is the D.A.'s Office, a government agency in Berkshire Co., Pittsfield, Massachusetts, in the United States.
3. This court has jurisdiction over this matter pursuant to 28 U.S.C. s 1332.

FACTS

4. On October, 24, 2003, I was released from the county jail after awaiting trial for fourteen months for crimes I did not commit.
5. My charges were rape of a child with force and distribution of a class B substance; to wit crack cocaine. (subsequent offense).
6. Both charges involved the same person. This person claimed that I supplied her with drugs which she used then later raped her.
7. Being my subsequent offense my bail was set substantially high and all attempts for bail reduction were denied.

8. While awaiting trial I learned that by law I could not be convicted of the drug charge for which I was being held.
9. The only evidence in the case was hearsy;no physical or prima facie evidencw at all.
10. According to the law,(Com. v. Dawson),a person can testify to what he or she used without prima facie evidence as long as that person is an experienced drug user.
11. The witness in my case was not;she could not explain in any detail how the drugs she supposedly used made her feel.
12. The prosecution was well aware of these facts and yet still tried to get a conviction on the drug charges by way of plea bargain.
13. Upon my release I was offered no explanation and was told simply that the D.A.'s Office decided not to prosecute.

WHEREFORE, the plaintiff demands judgment against the defendantt for malicious prosecution and intentional infliction of emotional distress in the amount of \$250,000;and for any other damages and relief this court deems just.

14. The plaintiff demands a trial by jury.

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DATE 11/30/04